

1982 No. 349

FOOD AND DRUGS

Composition and Labelling

Cocoa and Chocolate Products (Amendment) Regulations
(Northern Ireland) 1982

Made 26th October 1982

Coming into operation 7th December 1982

The Department of Health and Social Services(a) in exercise of the powers conferred on it by sections 4, 7, 68 and 68A(b) of the Food and Drugs Act (Northern Ireland) 1958(c) and of every other power enabling it in that behalf, and after consultation in accordance with section 68(2) with such organisations as appear to it to be representative of interests substantially affected by these regulations, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Cocoa and Chocolate Products (Amendment) Regulations (Northern Ireland) 1982 and shall come into operation on 7th December 1982.

Amendment of the Cocoa and Chocolate Products Regulations (Northern Ireland) 1976

2. The Cocoa and Chocolate Products Regulations (Northern Ireland) 1976(d) shall be amended as follows:—

(1) In regulation 2(1), the definition of “milk solids” shall be deleted and replaced by the following:

‘ “milk solids” means all the constituents of milk other than water and fat, in their natural proportions, and milk fat; ’.

(2) In regulation 5(3)(f), the concluding words “lecithins, an indication of the percentage of added lecithins;” shall be deleted and replaced by “ammonium phosphatides or lecithins, a declaration of the percentage thereof;”.

(3) In regulation 5(3)(g), the words “or lecithins” shall be inserted in line 6 immediately after “ammonium phosphatides”.

(4) In Part II of Schedule 1 (which provides reserved descriptions for specified chocolate products) for the definition specified in column 2 in relation to the reserved description “Gianduja nut chocolate” there shall be substituted the following:

“Any product complying with the definition specified in this Part in relation to the reserved description “chocolate” except that:—

- (a) it contains not less than 32 per centum total dry cocoa solids, including not less than 8 per centum dry non-fat cocoa solids calculated on the weight of the product excluding nuts;
- (b) it is combined with finely ground hazelnuts comprising not less than 20 and not more than 40 per centum of the product;

(a) See S.R. & O. (N.I.) 1964 No. 205 art. 5 and Sch. 2 Part I and 1973 c. 36 s. 40 and Sch. 5 para. 8

(b) Added by S.R. & O. (N.I.) 1972 No. 363

(c) 1958 c. 27 (N.I.)

(d) S.R. 1976 No. 183, to which there is an amendment not relevant to these regulations

- (c) it may contain almonds, hazelnuts and other nuts either whole or broken, if the total nut content of the product does not exceed 60 per centum; and
 - (d) it may contain milk or dry matter produced by the partial or complete dehydration of whole milk or partially or fully skimmed milk if the finished product contains not more than 5 per centum dry milk solids including not more than 1.25 per centum butterfat.”.
- (5) For Part I of Schedule 2 there shall be substituted the Part set out in the Schedule to these regulations.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 26th October 1982.

(L.S.)

J. A. Wylie

Assistant Secretary

SCHEDULE

Regulation 2(5)

NEW PART 1 OF SCHEDULE 2 TO THE COCOA AND CHOCOLATE PRODUCTS REGULATIONS
(NORTHERN IRELAND) 1976

SCHEDULE 2

Regulation 15

PART 1

PERMITTED ACIDS, PERMITTED BASES AND PERMITTED EMULSIFIERS

Column 1	Column 2	Column 3
<i>Reserved descriptions of cocoa product or chocolate product</i>	<i>Permitted base or permitted emulsifier</i>	<i>Except where otherwise stated parts per centum not exceeding</i>
Cocoa nib	Any permitted base	5.0 (calculated as potassium carbonate on the weight of the dry defatted matter)
Cocoa bean, cocoa dust, cocoa fines, cocoa mass, cocoa press cake, fat-reduced cocoa press cake, expeller cocoa press cake	Any permitted base Lecithins, ammonium phosphatides or any combination thereof	5.0 (calculated as potassium carbonate on the weight of the dry defatted matter) 0.5 phosphatides
Press cocoa butter, cocoa butter, expeller cocoa butter, refined cocoa butter, cocoa fat	Lecithins, ammonium phosphatides or any combination thereof	0.5 phosphatides
Cocoa, cocoa powder, fat-reduced cocoa, fat-reduced cocoa powder, in each case in relation to a cocoa product other than in the form of an instant preparation	Any permitted base Lecithins, ammonium phosphatides or any combination thereof	5.0 (calculated as potassium carbonate on the weight of the dry defatted matter) 1.0 phosphatides
Cocoa, cocoa powder, fat-reduced cocoa, fat-reduced cocoa powder, in each case in relation to a cocoa product in the form of an instant preparation	Any permitted base Lecithins, and ammonium phosphatides either singly or in combination	5.0 (calculated as potassium carbonate on the weight of the dry defatted matter) 5.0 phosphatides
Drinking chocolate, fat-reduced drinking chocolate, sweetened cocoa, sweetened cocoa powder, sweetened fat-reduced cocoa, sweetened fat-reduced cocoa powder, in each case in relation to a cocoa product other than in the form of an instant preparation	Lecithins, and ammonium phosphatides either singly or in combination	1.0 phosphatides

Column 1	Column 2	Column 3
<i>Reserved descriptions of cocoa product or chocolate product</i>	<i>Permitted base or permitted emulsifier</i>	<i>Except where otherwise stated parts per centum not exceeding</i>
Drinking chocolate, fat-reduced drinking chocolate, sweetened cocoa, sweetened cocoa powder, sweetened fat-reduced cocoa, sweetened fat-reduced cocoa powder, in each case in relation to a cocoa product in the form of an instant preparation	Lecithins, and ammonium phosphatides either singly or in combination	5.0 phosphatides
Chocolate, plain chocolate, gianduja nut chocolate, couverture chocolate, milk chocolate with the declaration "milk solids 14% minimum", gianduja nut milk chocolate, couverture milk chocolate, white chocolate, cream chocolate, skimmed milk chocolate	Lecithins and ammonium phosphatides either singly or in combination Polyglycerol esters of polycondensed fatty acids of castor oil Sorbitan tristearate Any combination of two or more of these permitted emulsifiers subject to the maximum percentages specified for those emulsifiers	0.5 phosphatides 0.5 1.0 1.5
Chocolate vermicelli, chocolate flakes, milk chocolate with the declaration "milk solids 20% minimum", milk chocolate vermicelli, milk chocolate flakes	Lecithins, and ammonium phosphatides either singly or in combination Polyglycerol esters of polycondensed fatty acids of castor oil Sorbitan tristearate Any combination of two or more of these permitted emulsifiers subject to the maximum percentages specified for those emulsifiers	1.0 phosphatides 0.5 1.0 1.5

1. Subject to paragraph 2, where a permitted base is used in any cocoa product, that product may contain any of the permitted acids, citric acid, tartaric acid, orthophosphoric acid or any combination of two or more thereof in a proportion not exceeding 0.5 parts per centum.
2. A permitted base or a permitted acid shall not be used in any cocoa product unless the ash content of the resulting product will not exceed 14 parts per centum of the dry defatted matter.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations which come into operation on 7th December 1982 amend the Cocoa and Chocolate Products Regulations (Northern Ireland) 1976 ("the principal regulations").

The regulations—

- (a) amend the definition of "milk solids" in regulation 2(1) of the principal regulations so as to require the solids other than fat to be present in their natural proportions (regulation 2(1));
- (b) make two amendments to regulation 5 of the principal regulations relating to the labelling and description of cocoa and chocolate products (regulation 2(2) and 2(3));
- (c) implement Council Directive 78/609/EEC (O.J. No. L 197, 22.7.78, p. 10) amending for the fifth time Directive 73/241/EEC on the approximation of the laws of the Member States relating to cocoa and chocolate products intended for human consumption by amending the definition of "gianduja nut chocolate" in Schedule 1 to the principal regulations so as to permit the addition of milk or milk solids (regulation 2(4)); and
- (d) implement Council Directive 80/608/EEC (O.J. No. L 170, 3.7.80, p. 33) amending for the seventh time Directive 73/241/EEC by inserting a new Part I of Schedule 2 to the principal regulations making minor alterations to the amounts of ammonium phosphatides which may be added to certain cocoa and chocolate products and deleting polyoxethylene (20) sorbitan monostearate and sorbitan monostearate from the list of emulsifiers which may be used in chocolate products (regulation 2(5)).